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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO
11

12 **IN RE GOOGLE PLAY STORE**
13 **ANTITRUST LITIGATION**

14 THIS DOCUMENT RELATES TO:

15 *Epic Games, Inc. v. Google LLC et al.*,
16 Case No. 3:20-cv-05671-JD
17
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Case No. 3:21-md-02981-JD

DECLARATION OF WARREN SOLOW
IN SUPPORT OF NON-PARTY
BYTEDANCE INC.'S MOTION TO
SEAL HIGHLY CONFIDENTIAL
INFORMATION

Honorable James Donato

1 I, Warren Solow, declare as follows:

2 1. I am the Information Governance and E-Discovery Lead at ByteDance Inc. My
3 responsibilities include overseeing e-discovery for TikTok generally (including TikTok Pte. Ltd.)
4 and advising on case-specific protective orders. Because of these responsibilities, I am familiar
5 with TikTok's strategy and business practices, including what information TikTok considers
6 confidential and does not disclose to the public. I have personal knowledge of the facts set forth
7 herein.

8 2. Based on correspondence received by TikTok on November 7, 2023, I understand
9 from Counsel for Google LLC ("Google") that Google intends to disclose certain non-public
10 information related to TikTok entities' revenue derived from the Google Play Store in open court
11 on Wednesday, November 8, 2023. I further understand from Counsel for Google that Exhibit
12 2698 at -052 has been designated "Non-Party Highly Confidential – Outside Counsel Eyes Only"
13 pursuant to the terms of the Stipulated Protective Order.

14 3. TikTok respectfully requests that Exhibit 2698-052 and related testimony be sealed
15 because the exhibit contains detailed financial information that would harm TikTok if publicly
16 disclosed.

17 4. Specifically, Exhibit 2698 at -052 identifies the revenue that TikTok derived from
18 distribution via the Google Play Store over a 12-month period. This information is highly sensitive
19 and is not publicly disclosed by TikTok. Disclosure of such financial information would reveal
20 sensitive inputs into TikTok's valuation, which is owned by a private company that is not obligated
21 to publicly disclose revenue and does not do so. Further, disclosure of information that impacts
22 valuation can have an impact on investors.

23 5. Additionally, disclosure of the information reflected in Exhibit 2698 at -052 would
24 allow a comparison of TikTok entities' revenue derived from distribution via the Google Play Store
25 to similar revenue derived by competitors and potential competitors. This revenue and performance
26 data is also highly competitively sensitive as a key performance metric tracked by TikTok's
27 competitors. The public has little, if any, interest in this non-party information and the competitive
28 harm that disclosure would create for TikTok outweighs any slight public interest that may exist.

1 As such, there exists good cause and compelling reasons for sealing Exhibit 2698 at -052.

2 I declare under penalty of perjury under the laws of the United States of America that the
3 foregoing is true and correct to the best of my knowledge.

4 Executed on: November 7, 2023



Warren Solow